

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JUSTIN FINEHOUT and
KEVYN KIRKLAND,

Plaintiffs,

v.

Case No. 8:20-cv-1634-T-60CPT

BDE FLORIDA LLC,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of Christopher P. Tuite, United States Magistrate Judge, entered on December 22, 2020. (Doc. 35). Judge Tuite recommends that the “Joint Motion for Approval of FLSA Settlement Agreement and Dismissal with Prejudice” (Doc. 28) be granted and that the settlement be approved.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C).

The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

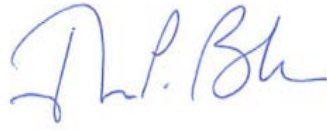
Upon consideration of the record, including Judge Tuite's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Tuite's detailed and well-reasoned findings and conclusions, including that the settlement agreement constitutes a fair and reasonable compromise of the dispute. *See Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982). Consequently, the joint motion for approval of settlement is granted, and the settlement agreement is approved.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

1. Judge Tuite's report and recommendation (Doc. 35) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
2. The "Joint Motion for Approval of FLSA Settlement Agreement and Dismissal with Prejudice" (Doc. 28) is **GRANTED**. The settlement agreement (Doc. 28-1) is **APPROVED**.
3. Plaintiff Justin Finehout is dismissed as a party to this action with prejudice.
4. The Clerk is directed to terminate Justin Finehout as a party.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 19th day of
January, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE